

## COMMISSIONERS HAD NO POWER TO BORROW MONEY

Judge Abbott Announces Decision in Taxpayers' Suit.

ARGUMENT CONCLUDED LAST NIGHT  
IN SECOND INJUNCTION MATTER

In the matter of the petition on behalf of certain taxpayers to enjoin the county commissioners of Bernalillo county from borrowing money to conduct the affairs of the county, Judge Abbott announced yesterday that he had decided that the county commissioners had no right to borrow the money under the circumstances and that plaintiffs were entitled to maintain their action.

It is understood that this means that no funds being available to conduct the court, the latter is adjourned. The court's order will be drawn up this morning and some action will be taken when the scope of the opinion is made known in its details. The treasurer, it is understood, is advised by his attorney, for the protection of himself and bondsmen, not to pay out any more money until further developments show precisely where the county is "at" as regards the continuation of court and the administration of county affairs generally. It is said that about \$500 is due to jurors and on other court expenses which has not been paid. It is altogether a rather mixed up situation, in view of the fact that the money has already been borrowed and some of it is in use.

**Pleas of Abatement Today.** The claim that the county jury which returned the indictments now being tried in court was improperly drawn will come to the fore this morning, when pleas of abatement of indictments are filed in the court by various attorneys.

Mr. Childers will file pleas of abatement in the cases of the Territory against Frank A. Hubbell; two against Eslavio Vigil, the late lamented school superintendent, and against P. B. Sturges on the charge of running a gambling table without a license; and a similar one against George K. Neher. Attorney M. E. Hickey will file a plea of abatement on the same grounds in the case of assault against Policeman Wagner and Attorney Reynolds in another criminal case.

The principal ground of all these pleas will be, as said before, that Grand Juror Lucero, who served on that body, is not a resident of Bernalillo, but of Torrance county, living a half a breadth on the other side of the county line. It will also be claimed that George E. Brewer served on the grand jury when George H. Brewer was originally drawn. It is alleged that the name of George H. Brewer, who is a minister and exempt from jury duty was at first drawn. It was later assumed, according to the contention that the name was meant to be George E. Brewer, the insurance man, and so the name of the minister was simply discarded and the insurance man served on the jury without, as it is claimed, ever having had his name on the registration list or in the box. It is contended on the other hand that the middle initial was simply a clerical error.

**Arguments on Second Injunction Suit.** The latter part of the afternoon in court yesterday was occupied with arguments by counsel on the petition for a temporary injunction to restrain the county commissioners, the treasurer and collector and school superintendent recognized by them from proceeding further to take forcible possession of the offices in the county court house. The petition also alleges that a conspiracy exists between the persons and officers named to deprive Frank L. Hubbell et al. of their lawful rights. Attorney McMillen made the first argument in behalf of Hubbell et al. and was followed by William B. Childers. The gist of the arguments was to point out to the effect that the county commission had no right to authorize the ejectment of Mr. Frank A. Hubbell, Joseph E. Sheridan, Eslavio Vigil and others. Neill B. Field followed for the defendants and made a strong argument, asserting that when the former incumbents of the offices placed the books and records in the vault, they thereby voluntarily abandoned their right to the same and the county commission had authority to elect them as officers to the process of the business of the county. Mr. Field alleged that the plaintiffs virtually acknowledged themselves to be wrongdoers in the sight of the law, and inveighed against what he called the audacity of the plaintiffs in asking for an injunction to sustain them in their wrong doing. Counsel for plaintiffs denied placing themselves in any such position, denied admitting that the government commission was prima facie evidence of the right to the office of the treasurer and ex officio collector, and denied various

other things. The argument became very spirited at times. The court still has the matter under advisement.

### Jury Disagrees.

The jury in the case of the Territory versus H. J. Farmer, indicted for assault with intent to kill, disagreed last evening, after being out for several hours, and was discharged. Farmer is charged with making a deadly attack on the person of Homer Stitzer, an employee of the American Lumber company, with a rip-saw. Stitzer was in the hospital for a week or more recovering from the effects of the nasty wounds inflicted by Farmer. The alleged assault took place on September 23d. Farmer is a carpenter who was employed by Stitzer to shingle his house, which the latter was building on North Second street. Stitzer was dissatisfied with the job, which angered the carpenter so that when they met the latter attacked Stitzer with a sharp hand saw which he carried, broke three of his ribs and cut him up severely.

## CITY DECLARES WAR ON STRAY CANINES

NEW DETENTION SHED AND DOG WAGON HAVE MADE THEIR APPEARANCE.

After a long lull in the crusade against the ubiquitous canine which roams the streets and alleys of the Duke City another step in the direction of making Albuquerque a dogless town was taken yesterday. Poundmaster Ward has completed a brand new house of detention for stray dogs at the city pound. While this building is not large, being only about the dimensions of the average chicken coop, it is considered adequate to accommodate such dogs as will be allowed to live long enough to enjoy its advantages.

The dog nuisance has been getting worse than ever lately, and from the action of the city in having this building constructed and placing a dog wagon on the streets, the dog riders are bound to take heart. Several competent dog catchers and dog dispatchers have been put in charge of the ambulance by the poundmaster and the dogs are now busily taking tracks for the high weeds. There is a vast field of usefulness here, and the city poundmaster can secure a tablet in the hall of fame by seizing the opportunity.

Stray dogs upon which no license has been paid will be temporarily consigned to the dog pen. In a few days if not claimed, they will mysteriously disappear.

**Guild Elects Officers.** The guild of St. John's church, at their meeting yesterday, elected Mrs. Fox, president, in place of Mrs. W. B. Childers, resigned; Mrs. Webster, secretary, in place of Mrs. George F. Albrecht, resigned; Mrs. J. A. Hubbs, second vice president; Mrs. M. Webster, treasurer. The officers of the guild now are: Mrs. Fox, president; Mrs. Felix H. Lester, first vice president; Mrs. J. A. Hubbs, second vice president; Mrs. M. Webster, treasurer. The guild will meet every Wednesday at 2:30 p. m. at the Guild hall.

**Cut Off His Big Toe.** The chain on a bicycle cut two of my toes off. I have my big toe here in my hand, but I do not know where the other toe is."

So spoke 16-year-old Johnny Brad-dock to Policeman Mulhern at the corner of Overland and Campbell streets, about noon today, says the El Paso Herald. The officer had seen the boy limping and noticed that blood was dripping from one of his feet. Stopping the lad the officer made inquiry.

The little fellow carried the big toe from his right foot in his hand. He said that he had been riding a bicycle and that his foot became entangled in the chain and before he could pull his foot out or stop the bicycle, the chain cut off one toe, and the big one was cut until it hung only by a piece of flesh.

"A boy came to help me," said the lad, "and he cut the piece to which my big toe was hanging. We looked around for the other toe but could not find it. I tied up my foot with a handkerchief and taking my big toe which was cut off, started."

The boy did not appear to be frightened nor in pain. Officer Mulhern placed him on his horse and carried him to his home at 510 St. Vrain street.

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MADE FROM CREAM OF TARTAR DERIVED SOLELY FROM GRAPES, IN WHICH DELICIOUS FRUIT IT IS FORMED BY NATURE IN THE PRECISE COMPOSITION IN WHICH IT IS USED IN DR. PRICE'S BAKING POWDER.

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## TURN THE CAN AROUND

and you will learn what is the "power behind the dough." In the high-class powders it is cream of tartar, extracted from clean, delicious grapes, and that is healthful. In the low-grade powders it is "phosphate alum," or "sodium aluminum sulphate," which is also alum, a mineral acid, and that makes the food unhealthful.

Of what use are twenty-five ounces for twenty-five cents, if eight of these ounces are alum?

Food baked with alum baking powders is found to contain a portion of the alum unchanged!

The continued use of alum made food impairs digestion, causing dyspepsia. When buying baking powder, examine the label and take only a brand whose label shows it to be free from alum.

## THIEVES STEAL SILVER PLATE FROM CHAPEL

BREAK INTO SANCTUARY OF  
PRESCOTT HOSPITAL AND  
CARRY OFF VALUABLES.

One of the most despicable crimes ever recorded in the annals of any civilized community was committed in Prescott Tuesday morning between 12:30 and 1 o'clock, says the Journal-Miner.

Two miscreants entered the Mercy hospital, which is situated on Grove avenue, in the western part of the city, opened the chapel door, broke in to the sanctuary, and appropriated all of the valuables.

The property taken includes the chalice and all of the valuable plate usually found in a place of Catholic worship. Then the thieves after looting the chapel and tabernacle turned their attention to the operating room and stole many of the valuable surgical instruments. In departing they carried away the keys of the chapel with them. To crown their crime, the altar stone was broken as well as the door of the tabernacle. It will take some time to replace these valuable possessions.

The crime was not discovered until about 7 o'clock, when the sheriff's office was notified. Sheriff Lowry was at home at that early hour, and he was summoned by telephone. When he arrived at the hospital and made thorough examination of the premises no clue was obtainable as to the sacrilegious thieves. Nor is it thought

possible that they will be apprehended as the booty which they secured would hardly be offered for sale in Prescott and it is of such a character that no pawnbroker anywhere would be likely to buy or receive it without being suspicious of the party who attempted to dispose of it.

No one is even suspected of the crime, and the thieves probably escaped on the morning train.

### A Leading Attraction.

Considerable interest is attached to the forthcoming of Stowe's grand scenic production of Ten Nights in a Bar-Room company at the Elks' Opera house next Thursday, October 12th. So wide is its fame that it is certain theater patrons generally will be interested in the engagement. Critics and public unite in saying that it is certain that this play outranks any another in several striking characteristics. Mr. Alvin Wyckoff as Joe Morgan is enjoyed by all and is pronounced by all to be the best in his line. Little Hazel is the queen of all child actresses—she is bright and beautiful. Stowe's grand symphony orchestra, under the direction of Mr. Raymond Hadley is superb, playing many classical selections. The moon-day concert given by Stowe's military band is the best given by any company and to miss this is to miss a treat. Seats are now on sale at Matson's.

Inspect your library and select the volumes in need of repair, then take them to Mitchell's where they can be made good as new at a nominal cost.

Preserve Your Lawn.  
Kill the worms with Hahn's Eureka lime.

## FORT BAYARD THEATER FINE MODERN PLAYHOUSE

OTHER EXTENSIVE IMPROVEMENTS AT BIG HOSPITAL, NEARING COMPLETION.

Correspondence Morning Journal. Silver City, N. M., Oct. 12.—The extensive improvements at the Fort Bayard army and navy sanitarium are progressing rapidly, and there is no interruption to the work of the construction. The post is rapidly being changed into the greatest government hospital in the country.

The big new mess hall has been completed and the men are now working on the addition to the officers' quarters which will greatly enlarge the capacity of that part of the post settlement.

The new playhouse and recreation hall which has been completed is one of the finest and most completely appointed of its size in the territory. It is an old building remodelled into one that to all intents and purposes is entirely new, absolutely modern, and very attractive. Amateur theatricals are held regularly and the hall is also an ideal room for dances and the society affairs of the post.

Don't fail to see that large display of beautiful dolls at Newcomer's, next door to postoffice.

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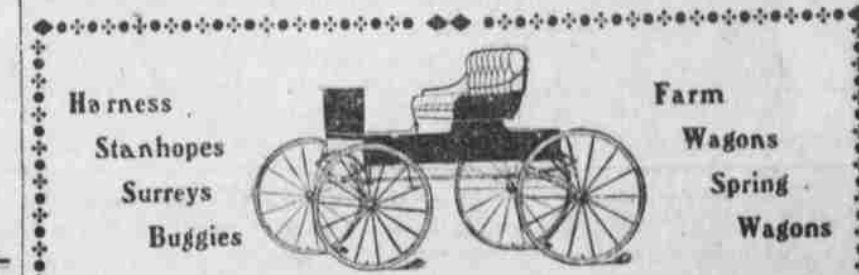
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